

APPROVED:

ATTEST:

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
October 10, 2011  
7:00 p.m.  
Meeting No. 29-11

PRESENT:

Mayor Phyllis Marcuccio, Councilmember John Britton, Councilmember Piotr Gajewski, Councilmember Bridget Donnell Newton, and Councilmember Mark Pierzchala

STAFF PRESENT:

City Manager Scott Ullery, City Attorney Debra Daniel and Acting City Clerk Brenda Bean

**1. Convene**

The Mayor and Council met on October 10, 2011 in Council Chambers, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland 20850 at 7:00 pm.

**2. Pledge of Allegiance**

Mayor Marcuccio led the Pledge of Allegiance.

**3. Agenda Review**

There were no changes to the agenda.

**4. Discussion - Joint Meeting of the Rockville Mayor and Council and the Montgomery County Council (Council President Valerie Ervin and Councilmembers Phil Andrews, Roger Berliner, Marc Elrich, Nancy Floreen, George Leventhal, Nancy Navarro, Craig Rice and Hans Riemer.)**

Mayor Marcuccio opened the joint meeting with the Montgomery County Council and thanked the officials for accepting the invitation. For the benefit of the television audience, Mayor Marcuccio reviewed the items listed for discussion. County Council President Valerie Ervin thanked the Mayor and Council for the invitation. There was broad and general discussion between the two elected bodies that centered on the following topics:

- MCPS Capital Projects that alleviate crowding in the Richard Montgomery Cluster
- Tax Duplication
- Highway User Revenue Restoration
- Statewide Stormwater Management Legislation (including Rockville Stormwater Utility fee)
- Parking at the Rockville Memorial Library

- Development in the County along the edges of the City Limits
- Collaboration with Montgomery College
- County Curfew Legislation
- Joint meetings between the two bodies on a regular basis

There was brief discussion regarding parking validation for visitors to Rockville Memorial Library, VisArts and The Rooftop. The Mayor thanked the County again for attending the joint meeting and said that it served to broaden communication between both jurisdictions. There was agreement to keep in contact about the things that are important to both jurisdictions and to meet annually to touch base and address pertinent issues.

The joint meeting with the County Council concluded at 9:37 p.m.

## 5. City Manager's Report

City Manager Ullery asked the Council to act on the recommendation regarding the City agreeing to cover a portion of the cost of Federal Realty expanding the validation parking program.

**Motion:** The City of Rockville will contribute toward covering the cost of expanding FRIT's parking validation program to patrons of the Library, VisArts, and the Rooftop as follows: \$50,000 per year for two-hour validation and \$25,000 per year for one-hour validation, or 50% of the cost of the extended program, whichever is the lesser amount. The source of the monies shall be the Development Impact Tax for Transportation Improvements revenue collected by the City of Rockville, or the City's Parking Fund if the Impact Tax revenue is not a feasible source.

Moved by Councilmember Gajewski, seconded by Councilmember Pierzchala and unanimously passed.

Mr. Ullery then continued his report as follows:

1. The F. Scott Fitzgerald Literary Conference will take place on October 22, 2011 at Montgomery College.
2. Rockville Summit is planned for October 18th at the VisArts Center.
3. The Antique and Classic Car Show is scheduled for October 15 at the Glenview Mansion.

## 6. Citizen's Forum

<i>Citizen</i>	<i>Issue</i>
Cheryl Kagan	New, non-profit organization and community events. Ways to get involved; Community Service Day.
Cathy Scott	Opposition to Reed Brothers annexation.
Jack Gelin	Opposition to Reed Brothers annexation.
Jack Gelin	Read a statement for Helen Pskowski regarding Reed Brothers annexation
Virginia Onley	City's Relationship with Montgomery College and surrounding neighborhoods

## 7. Mayor and Council's Response to Citizen's Forum and Announcements

The following members of the Mayor and Council commented: Mayor Marcuccio and Councilmembers Pierzchala, Gajewski

## 8. Rockville Chamber of Commerce Update

Andrea Jolly reported:

- 1) The Chamber elected a brand new board of directors and gave the names of the new board.
- 2) Changed relationship between the Chamber and Rockville Scholarship Foundation, Inc.
- 3) A joint community service project related to holiday giving to take place on December 8.
- 4) The Chamber will sponsor a candidate debate on November 1 at the Best Western Hotel in Rockville.
- 5) The Chamber is looking forward to the Rockville Summit and appreciated Councilmember Britton attending their last event to talk about the Summit.
- 6) Rockville Rewards Program doing extremely well.

## 9. Proclamation - Community Planning Month Proclamation

Councilmember Britton Read the Proclamation and presented it to members of the Planning Commission and the Board of Appeals. Alan Sternstein, Board of Appeals member who is stepping down after 22 years of service, thanked the Mayor and Council for the privilege of serving the City.

**Motion:** to approve the Community Planning Month Proclamation

Moved by Councilmember Newton, seconded by Councilmember Gajewski and unanimously passed.

## **10. Presentation of an Environmental Excellence Award.**

Mayor Marcuccio presented the background on the award and presented it to Mr. Jerry Roberts and Mr. Gary Huss of the Fitzgerald Collision Center.

The Fitzgerald Collision Center was been nominated for the Environmental Excellence Award for Outstanding Leadership in Environmental Practices in the areas of pollution prevention, recycling and renewable energy. Fitzgerald Collision Center implemented an environmental management system to minimize pollution. Fitzgerald was also recognized for achieving exceptional recycling rates and using electrical energy generated from wind power.

## **11. Appointments and Announcement of Vacancies**

**Motion:** to reappoint Alex Espinosa to the Retirement Board as a member until September 1, 2014.

Moved by Councilmember Pierzchala, seconded by Councilmember Britton and unanimously approved.

## **12. Consent Agenda**

- A. Authorization to Extinguish and Abandon a Portion of the Stormwater Easement at 1799 East Jefferson Street (Block K, Montrose) for Landow House.**
- B. Award of IFB #04-12, Street Light Maintenance, in an aggregate amount not to exceed \$396,240 over a 4-year contract period for street light maintenance services**

**Motion:** to approve Consent Agenda

Moved by Councilmember Newton, seconded by Councilmember Gajewski and unanimously approved.

## **13. Discussion and Instructions to Staff - Sectional Map Amendment MAP2011-00110, to change zoning from Park to Park (Historic District) at 603 Edmonston Drive, in order to place the Glenview Mansion property in a historic district.**

Historical Planner Robin Ziek gave the staff report on this item. There was broad and varied discussion between the Mayor and Council highlighted as follows:

- No protections for the inside of the building through state law
- Possibility of designating the entire area historic with the exception of three buildings
- Limitations to usage
- Plans to make improvements to the parking lots
- Possibility of easement to protect the inside of the building
- Historic District Commission's ability to stop an addition

- How the Glenview Mansion subcommittee, the Historic District Commission and the Cultural Arts Commission will work collaboratively

In discussion, Councilmember Britton said he finds compelling the reasons for identifying the structures as historic and to keep a natural view scape. It is important to protect as much of the land that was designated originally. Councilmember Britton is not in favor of the motion and would prefer the entire 64 acres be historic.

Mayor Marcuccio does not agree with the motion and believes that all three structures would not be held to the same level as the rest.

Councilmember Gajewski is impressed by the arguments and passion expressed on both sides. He commented that the decision of the Mayor and Council on this topic is truly irreversible and agrees with Councilmember Pierzchala's approach of carving out a sliver .

**Motion:** to designate the nominated 64.2 acres of the Glenview Mansion property as historic.

Moved by Councilmember Britton, seconded by Councilmember Newton.

In discussion, Councilmember Gajewski said that we are moving too far, too quickly by designating so much of the property as historic.

Councilmember Newton said she arrived at her decision carefully reviewing all of the options. Though he tried for a smaller designation earlier, Councilmember Pierzchala said he would vote for the motion on the table.

**A vote** was taken on the motion and it was approved unanimously.

**14. Discussion and Instructions to Staff - SCA2011-00099 - Application to close and abandon the unimproved right-of-way adjacent to 210 Woodland Road, from Woodland Road to Ashley Manor Drive.**

**Motion:** to approve SCA2011-00099, Application to close and abandon the unimproved right-of-way adjacent to 210 Woodland Road, from Woodland Road to Ashley Manor Drive.

Moved by Councilmember Gajewski, seconded by Councilmember Britton and unanimously approved.

**15. Adoption of resolution to enlarge the corporate boundaries of the City of Rockville to include 4.37372 acres of land of Reed Brothers, Inc., and Mary J. Gartner, Trustee for Annexation Petition ANX2010-00139, a request to annex two parcels, Parcel A and Parcel 137, Reeds Addition to Derwood, located at 15955 Frederick Road; Silverwood/Shady Grove, LLC, applicant**

**Motion:** to adopt the resolution, as modified to include the changes to incorporate APFO standards.

Moved by Pierzchala, seconded by Councilmember Gajewski.

The motion carried with Councilmembers Pierzchala, Gajewski and Britton voting “aye,” and Mayor Marcuccio and Councilmember Newton voting “nay.”

**16. Adoption of resolution to approve the Annexation Agreement (see Attachment A) for Annexation Petition ANX2010-00139, a request to annex two parcels, Parcel A and Parcel 137, Reeds Addition to Derwood, located at 15955 Frederick Road; Silverwood/Shady Grove, LLC, applicant**

**Motion:** to adopt a resolution to approve the Annexation Agreement (see Attachment A) for Annexation Petition ANX2010-00139, a request to annex two parcels, Parcel A and Parcel 137, Reeds Addition to Derwood, located at 15955 Frederick Road; Silverwood/Shady Grove, LLC, applicant.

Moved by Councilmember Pierzchala, seconded by Councilmember Gajewski. The motion carried with Councilmembers Pierzchala, Gajewski and Britton voting “aye,” and Mayor Marcuccio and Councilmember Newton voting “nay.”

**17. Introduction of Ordinance (see Attachment A) to amend the zoning map for Annexation Petition ANX2010-00139, a request to annex two parcels, Parcel A and Parcel 137, Reeds Addition to Derwood, located at 15955 Frederick Road; Silverwood/Shady Grove, LLC, applicant .**

Councilmember Mark Pierzchala introduced the ordinance.

**18. Mayor and Council Liaisons to Boards and Commissions Report**

Councilmember Britton said that he, along with Councilmember Newton, had attended the Stepping Stones Shelter Volunteer ceremony. Councilmember Newton said that she attended the Twinbrook Oktoberfest on October 8th and had a terrific time.

**19. Review and Comment - Future Agendas**

There was discussion about moving the Discussion and Instruction on Glenview Map Amendment to November 28th, as well as listing the Mayor and Council Inauguration for the same date. There was also discussion on when to set the goal setting session with the Mayor and Council and it was agreed that this would be done after the new Mayor and Council are sworn in. Mayor Marcuccio mentioned that the November 28th meeting would be Mr. Ullery’s last meeting.

**20. Old/New Business**

Mayor Marcuccio mentioned a typographical error that occurred in Chapter 8 (Elections) which would need to be addressed. Ms. Daniel said that could be handled in the form of a Text Amendment and placed on the agenda for introduction on October 17 and adoption on October 24. Councilmember Newton mentioned an error on the Campaign Fund Report due date and confirmed that the second report closes on October 30th and is due on Thursday, November 3rd.

**21. Adjournment**

**Motion:** to adjourn

There being no further business and upon motion of Councilmember Pierzchala, seconded by Councilmember Britton, and unanimously approved, the meeting adjourned at 11:21 p.m.